

It is alleged in the Office Action that the present invention would have been obvious in view of the product disclosed by Schurmann. Specifically, the Office Action states that Schurmann differs from the claims "by not requiring the presence of the triol and by showing the reaction of the second alcohol as taking place with the isocyanate first rather than in the order specified by the claims", but that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the triol component because Schurmann teaches this for providing some cross-linking, which would make a stiffer, more rigid polymer for those applications in which this property is desired" and that "the order in which the alcohols are reacted with the isocyanate component wouldn't be critical or make much difference in the structure of the product". Applicants disagree.

Schurmann does not teach, suggest or disclose the use of a triol component to provide "*some* cross-linking (emphasis added)". In fact, Schurmann teaches away from the use of a triol component by cautioning against the use of a triol since "*uncontrollable* crosslinking can easily occur in polyisocyanates when 3 or more isocyanate functions in the molecule are used extensively, or in a high proportion (Col. 4, lines 8-11, emphasis added)". Even if, in *arguendo*, Schurmann suggests the combination recited in the claims, this is not enough. There must also be some reasonable expectation of success for the suggested combination. MPEP §2141. Obviousness does not require absolute predictability, but at least some degree of predictability is required. MPEP §2143.02. One skilled in the art could not have a reasonable expectation of success in using the triol when Schurmann itself sets forth the potential uncontrollability of the resulting cross-linking if a triol is used. If the cross-linking is uncontrollable, it cannot be considered predictable.

With regard to the order of the reactions, Schurmann does not teach, suggest or disclose that the order in which the alcohols of Schurmann are reacted with the isocyanate component "wouldn't be critical or make much difference in the structure of the product" (page 3 of the Office Action). The use of Applicant's disclosure as

evidence of this premise is improper. Under 35 USC 103, Applicant's disclosure cannot be used as prior art to support an obviousness rejection.

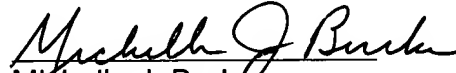
Thus, for the reasons set forth above, the present invention is both novel and non-obvious in view of the cited document.

The Applicants respectfully request that the Examiner reconsider the rejection of claims 11-18 and find the claims in condition for immediate allowance.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner:

Michelle J. Burke (914) 674-5459

Respectfully submitted,


Michelle J. Burke
Reg. No. 37,791
Attorney for Applicants

Akzo Nobel Inc.
Intellectual Property Dept.
7 Livingstone Avenue
Dobbs Ferry, NY 10522-3408
(914) 674-5459

MARKED VERSION**IN THE ABSTRACT**

[The invention relates to a] A process for the production of charged polyurethanes comprising reacting isocyanate groups of a polyisocyanate with hydroxyl groups of alcohols comprising (i) a first alcohol selected from one or more diols containing at least 10 carbon atoms; (ii) a second alcohol selected from alkylene diols having not more than 8 carbon atoms, alkyleneoxy diols having not more than 8 carbon atoms, polyols, and mixtures thereof; and (iii) a third alcohol selected from [(a)] diols containing a charged group or atom, [(b)] diols containing an uncharged group or atom or a compound containing an uncharged group or atom capable of charge formation and at least partially converting [said] the uncharged group or atom into a charged group or atom, and mixtures thereof]. This invention also relates to] and charged polyurethane obtainable by the process, an aqueous dispersion thereof and the use thereof in [a method of] surface-treating a material [in sheet or web form] by applying the charged polyurethane to the surface of the material.